

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

UNITED STATES, *et al.*,

Plaintiffs,

vs.

GOOGLE LLC,

Defendant.

No: 1:23-cv-00108-LMB-JFA

**JOINT MOTION TO AMEND THE COURT'S
ORDER SETTING PRETRIAL DATES AND DEADLINES**

1. On February 26, 2024, the Court granted in part and denied in part the parties' Joint Proposal Regarding Revised Briefing Schedule for All Pretrial Dates and Deadlines, setting forth various pretrial deadlines. ECF No. 547.

2. At the June 7, 2024 hearing, the Court granted Google LLC's Motion to Dismiss the United States' Damages Claim as Moot and to Strike the Jury Demand, dismissing Count V of Plaintiffs' Amended Complaint as moot and striking plaintiffs' jury demand, thereby converting this proceeding to a bench trial. *See* ECF No. 749.

3. In light of that development, as well as changes to the summary judgment oral argument schedule, the Court granted the parties leave to negotiate a revised proposed pretrial schedule. June 14, 2024 Hr'g Tr. 22:22-23:5, ECF No. 799; *see also* June 7, 2024 Hr'g Tr. 36:22-25, ECF No. 747.

4. The parties have met and conferred, and jointly propose the following revised schedule for various pretrial dates and deadlines:

Event	Original Deadline (ECF No. 547)	Proposed Revised Deadline
Parties <u>exchange and file</u> witness lists, exhibit lists, and deposition designations.	June 28, 2024	July 5, 2024
Any party proposing to use any confidential documents or confidential deposition testimony of third parties must notify the third party that their documents or deposition testimony has been listed for use at trial.	June 28, 2024	July 5, 2024
Parties <u>exchange and file</u> objections to witness lists, exhibit lists, and deposition designations and exchange counter-designations.	July 12, 2024	July 19, 2024
Parties <u>exchange and file</u> objections to counter-designations and exchange reply (“fairness”) designations.		July 26, 2024
Any party or non-party who objects to the public use of confidential documents or testimony must file a specific objection with a proposed acceptable redaction of the information.	July 19, 2024	July 26, 2024
Parties <u>exchange and file</u> objections to reply (“fairness”) designations.		July 31, 2024
Parties exchange stamped copies of trial exhibits.		August 2, 2024
All objections to a party’s or a non-party’s proposed redactions or to the use of confidential information in any respect must be filed.	July 26, 2024	August 2, 2024
Oral argument, if needed, to address treatment of confidential information in exhibits or deposition designations.	August 2, 2024	August 9, 2024
Deadline for parties to meet and confer regarding motions <i>in limine</i>		August 9, 2024
Deadline to file all motions <i>in limine</i> , motions to address unresolved issues concerning deposition designations, and any other pretrial matter.	August 9, 2024	August 16, 2024
Parties file Proposed Findings of Fact and Conclusions of Law		August 19, 2024

Event	Original Deadline (ECF No. 547)	Proposed Revised Deadline
Deadline for oppositions to all motions <i>in limine</i> , motions to address unresolved issues concerning deposition designations, and any other pretrial matter.	August 16, 2024	August 23, 2024
Deadline for reply briefs to all motions <i>in limine</i> , motions to address unresolved issues concerning deposition designations, and any other pretrial matter.	August 23, 2024	August 28, 2024
Oral argument for all motions <i>in limine</i> , motions to address unresolved issues concerning deposition designations, and any other pretrial matter.	September 4, 2024	September 4, 2024

5. The revised proposed schedule reflects slight adjustments to the pretrial schedule, moving deadlines back by one week or less. Additionally, the parties propose several deadlines not reflected in the Court's February 26 Order, including deadlines for preparing fairness designations, exchanging stamped copies of trial exhibits, and meeting and conferring regarding motions *in limine*.

6. The September 9, 2024 trial date is not affected by the parties' proposed revised schedule.

7. The parties submit that good cause exists to amend the Court's Order setting pretrial dates and deadlines, as the parties have proceeded diligently in this matter, no party will be prejudiced by the requested relief, and the requested relief will not affect the trial start date. *See generally Roe v. Howard*, No. 1:16-cv-562, 2017 U.S. Dist. LEXIS 187258, *1-2 (E.D. Va. June 30, 2017).

8. The parties have met and conferred regarding the relief requested herein, and both Google and Plaintiffs join in this motion.

Dated: June 21, 2024

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